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SUBJECT: Estonia: Submission for Tenth Annual Trafficking in Persons Report

REF: STATE 2094; TALLINN 70

11. (U) The following is Embassy Tallinn's Anti-Trafficking Report for Estonia. Responses are keyed to the checklist in REF A. Post's points of contact on Trafficking in Persons (TIP) are Political Officer Johnathan Hilton (Email: HiltonJA@state.gov; Tel: +372-668-8291) and Political Assistant Riina Tannia (Tel: +372-668-8233; Email: TanniaR@state.gov). Per REF B, completion of this report required approximately 61 hours from three officers and one local employee.

Estonia's TIP Situation

12. (SBU)25A: The following agencies and organizations served as sources of information on Estonia's TIP situation: the Estonian Ministry of Justice (MOJ), Ministry of Foreign Affairs (MFA), Ministry of Social Affairs (MSA), Ministry of Interior (MOI), local NGOs, the local branch of the International Organization for Migration (IOM), the Nordic Police and Customs Cooperation Office in Tallinn and the Norwegian, Swedish and Finnish Embassies in Tallinn. The information assembled in this report is based on the most current and reliable data available at this time.

13. (SBU) 25B: Estonia is believed to be a country of origin, transit and destination for women trafficked for the purposes of sexual exploitation. Sexual exploitation mainly occurs domestically when victims are brought from rural areas to the capital Tallinn. In some cases women are later taken abroad for the purposes of prostitution. The Estonian Central Criminal police consider Finland to be the main destination country for trafficked women from Estonia. In December 2009, two Estonian nationals received unconditional 18-month prison sentences in Finland for taking an Estonian woman to work as a prostitute in Helsinki. Other known destination countries are the Netherlands, Great Britain (Scotland), and Italy. Estonian NGO Atoll assisted three women from Latvia that were brought to Estonia to work as prostitutes. During the reporting period, one trafficking case was registered in the Estonian court.

14. (SBU) 25C: Trafficking victims are mainly subjected to forced labor or sexual exploitation.

15. (SBU) 25D: Mentally or physically disabled women should be

considered vulnerable to traffickers for purposes of sexual exploitation.

¶16. (SBU) 25E: According to Estonian law enforcement agencies, most traffickers were small-scale operators, sometimes family members, who often had ties to local organized crime groups. The representatives of the Estonian NGOs Atoll and Eluliin remarked that, in some cases, former prostitutes became traffickers and pimps. The most common lure by traffickers remains the promise of legitimate employment abroad (e.g., hotels, restaurants, massage parlors, and strip clubs.)

¶17. (SBU) 25E, cont.: In December 2007, Estonia formally joined the EU's Schengen Agreement for Common Visa and Immigration Borders on Land and Sea. Estonia joined the Schengen area for air borders on March 30, 2008. These agreements allow for the free movement of people within Schengen countries (the UK, Ireland, and Denmark are not members), eliminating the need for traffickers to obtain false documentation to move victims between Estonia and the rest of the EU.

¶18. (SBU) 25E, cont.: There is no evidence that during the reporting period any travel or tourist agencies or marriage brokers were involved in trafficking individuals.

Setting the Scene for the Government's Anti-TIP Efforts

¶19. (SBU) 26A: The government of Estonia has acknowledged that human trafficking is a problem in the country.

¶110. (SBU) 26B: During the reporting period, the following ministries and agencies were involved in anti-trafficking activities: MFA, MOI, MOJ, MSA, Ministry of Education and Research (MOER), Ministry of Finance (MOF), the Citizenship and Migration Board (CMB), the Border Guards, the Police Board, the Central Criminal Police (CCP), INTERPOL and EUROPOL liaison offices, and the Prosecutor's Office. Recognizing that trafficking extends beyond the scope of any single agency, the GOE's National Action Plan designates the MOJ as the lead ministry to coordinate the government's efforts. During the reporting period, the MOJ, MSA, MOI, and MFA met regularly at various working levels.

¶111. (SBU) 26C: Previously, inadequate funding limited the GOE's ability to combat trafficking. However, the GOE recognized this deficiency and has steadily increased the amount of funding committed to anti-trafficking measures. In 2006, the anti-trafficking budget was approximately 14,000 USD. In 2007, the GOE spent approximately 181,000 USD on prevention and victim assistance, in 2008 the amount spent was approximately 200,000 USD, and in 2009 the amount spent on trafficking related activities reached 241,569 USD. The budget increase in 2009 is particularly noteworthy, as it came when most government ministries were being forced to take budget cuts of about nine percent and an overall drop in GDP of 15.5 percent. Corruption is not a problem in Estonia.

¶112. (SBU) 26D: In 2006, the GOE founded the National Anti-Trafficking Network. The Network is comprised of seventy-five persons from the relevant ministries, police units, border guards, prosecutors, and NGOs; altogether thirty-five government and non-governmental organizations dealing directly with the trafficking issue. Representatives meet throughout the year and correspond frequently via e-mail. Each year, the Network drafts an assessment of the previous year's activities. GOE ministries are currently circulating the 2009 assessment, and the 2010-2013 National Action Plan for combating TIP is being finalized and will likely be presented to parliament by the end of the first quarter of 2010.

¶113. (SBU) 26E: The GOE has taken all necessary steps to document

the population. After a child is born, parents must apply for a birth certificate at the nearest local government office, using documentation they receive from the hospital after the child is born. Parents must also present their passports and marriage certificate (if parents are married). After the child receives his/her birth certificate, parents may apply for a passport for their child. Depending on parents' citizenship status the child is issued either an Estonian passport, an Alien passport or, if parents are third-country nationals, they may apply for the passport at the embassy of the country of which they are citizens.

¶14. (SBU) 26F: The GOE is capable of gathering the data required for an in-depth assessment of law enforcement efforts. The widespread use of e-Governance tools by law enforcement agencies in Estonia has also enhanced their capability to gather and interpret data.

Investigation and Prosecution of Traffickers

¶15. (SBU) 27A: Estonia does not yet have trafficking-specific laws in its criminal code. The GOE considers trafficking to be

prohibited under Article 133 of the Criminal Code (the prohibition of enslavement). In March 2007, the GOE expanded Article 133 in accordance with a July 19, 2002 framework decision of the EU Council. Article 133 now includes an additional definition of "enslavement" as "taking advantage of a person's helpless situation." Also in 2007, Article 134 was expanded to include forcing a person to work or perform duties against their will, for the benefit of another person. Last year the MOJ analyzed the TIP situation and decided that it needs new legislation to enhance Estonia's ability to cooperate internationally on TIP cases. According to the Embassy contact at MOJ, new TIP-specific legislation is currently being prepared, and the draft should be ready to present to the government in the first half of 2010 for possible approval by parliament by the end of the year.

¶16. (SBU) 27A, cont.: Over the last few years, the MOJ has expanded the number of articles it can use to prosecute trafficking and related crimes. The following is a list of laws that the GOE can use in addition to Article 133 when prosecuting traffickers:

- Article 134: Abduction;
- Article 136: Unlawful deprivation of liberty;
- Article 138: Illegal conduct of human research;
- Article 139: Illegal removal of organs or tissue;
- Article 140: Inducing persons to donate organs or tissues;
- Article 143: Compelling persons to engage in sexual intercourse;
- Article 143/1: Compelling persons to engage in satisfaction of sexual desire;
- Article 172: Child kidnapping;
- Article 173: Sale or purchase of children;
- Article 175: Disposing minors to engage in prostitution;
- Article 176: Aiding prostitution involving minors;
- Article 177: Use of minors in manufacture of pornographic works;

-- Article 178: Manufacture of works involving child pornography or making child pornography available;

-- Article 259: Illegal transportation of aliens across state border or temporary border line of Republic of Estonia;

-- Article 268: Provision of opportunity to engage in unlawful activities, or pimping;

¶17. (SBU) 27A, cont.: During the reporting period, the MOJ recorded 116 individual criminal offenses related to these statutes, although as a single suspect can be charged with multiple violations, the actual number of court judgments related to the above statutes is ¶90. The MOJ noted that in one instance the alleged violations specifically related to trafficking. The remaining violations were related to illegal commercial sex activities (e.g., pimping, exploitation of minors, kidnapping, etc.).

¶18. (SBU) 27B: The penalty for "enslavement" for the purposes of sexual exploitation is up to five years imprisonment. If there are two or more victims or if the victims are minors, the penalty is up to 12 years of imprisonment. During the reporting period, there was one conviction for "enslavement" for the purposes of sexual exploitation under Article 133 of the Penal Code.

¶19. (SBU) 27C: The prescribed penalty for labor trafficking is one to five years imprisonment. In severe cases, the penalty is three to twelve years imprisonment. During the reporting period there were no convictions for labor trafficking.

¶20. (SBU) 27C, cont.: Estonian labor laws forbid inappropriately high or illegal fees or commissions by labor recruiters, confiscating of workers' passports/travel documents and the destruction, damaging, theft or concealment of these documents. Violators can be prosecuted under paragraphs 209 and 346 of the Estonian Penal Code dealing with fraud and theft, and receive punishment in the form of a minimum fine of 5,000 USD or five to 15 years imprisonment. The switching of contracts or terms of employment without a worker's consent is forbidden by paragraph 12 of the Labor Market Services and Benefits Act. The Labor Inspectorate, a government agency operating under the umbrella of the MSA, enforces these provisions. There were no prosecutions for these crimes during the reporting period.

¶21. (SBU) 27D: The penalties for trafficking under enslavement, abduction, rape, sexual assault, and sexual abuse of minors are five years imprisonment in the case of adult victims, and 12 years for child victims under age 18. Prosecutors may also add violations of additional statutes to increase the penalty (i.e., rape, abuse of a minor, etc.).

¶22. (SBU) 27E: The GOE took legal action against human trafficking offenders during the reporting period using different paragraphs of the Estonian Penal code. One person was convicted under the enslavement article (paragraph 133) of the Estonian Penal Code and was sentenced to three years in prison.

¶23. (SBU) 27F: During the reporting period, the MSA, together with relevant NGOs, conducted 40 training sessions introducing the new trafficking victim identification model and guide to prosecutors, judges, social workers, child protection specialists, victim assistance specialists, staff of women's shelters, and foreign consular officers currently residing in Estonia. A total of 600 people were trained.

¶24. (SBU) 27F, cont.: The new identification guide is available on intranet sites of relevant ministries and to other organizations dealing with trafficking. Law enforcement and immigration officials' study materials were put together several years ago and are used to train new officers whenever necessary. NGO Eluliin trained Estonian Consular Officers going abroad to identify trafficking victims and provide necessary assistance to them. In the predominantly Russian-speaking region of northeast Estonia, the GOE supported training on the new identification guide in Russian among NGO representatives.

¶25. (SBU) 27G: The main information exchange channels are Interpol, Europol, Eurojust and police liaison officers. The main foreign partner of the Estonian Criminal Police in 2009 was the Finnish Police. There was also information exchange with Sweden, Great Britain (Scotland), Latvia, Poland and the Netherlands. During the reporting period Estonian Criminal Police received seven requests for assistance from the Finnish police, one request from Ukraine and one from Great Britain.

¶26. (SBU) 27H: GOE policy is to extradite persons, including its own nationals, who are charged with trafficking in other countries. One trafficking related extradition to Finland took place during the reporting period.

¶27. (SBU) 27I: There was no evidence of government involvement in or tolerance of trafficking at either the local or national level.

¶28. (SBU) 27J: There was no evidence of government officials being involved in human trafficking during the reporting period.

¶29. (SBU) 27K: There was no evidence of Estonian peacekeepers' deployed abroad engaging in trafficking during the reporting period.

¶30. (SBU) 27L: Estonia does not have an identified child sex tourism problem (either as a source or a destination country.) There were no foreign pedophiles prosecuted/extradited or deported during the reporting period. There was no evidence that Estonian nationals were perpetrators of child sex tourism during the reporting period. Estonian child sex abuse laws do not have extraterritorial coverage.

Protection and Assistance to Victims

¶31. (SBU) 28A: The Estonian Witness Protection Act entered into force on July 25, 2005. This Act provides for:

1) The procedure for witness protection, the legal bases for witness protection authorities and their activities and for the application of protection measures; and

2) The procedure for the performance of the international obligations of the Republic of Estonia related to protection of participants in criminal proceedings.

¶32. (SBU) 28A, cont.: All the information regarding witness protection activities is considered to be a state secret in order

to protect witnesses.

¶33. (SBU) 28B: In 2007, three shelters designated specifically for trafficking victims began operating in Estonia. The shelters, available to foreign and domestic victims alike, were established as part of a Nordic-Baltic pilot project and offer psychological, career and legal counseling to victims. The shelters are operated by NGOs. There are no special shelters for male victims or children.

¶34. (SBU) 28B, cont.: According to the MSA, during the reporting period 76 past and present victims received services in these facilities. At first, funding for the shelters was provided by the Nordic countries through the European Women's Lobby. These shelters also received funds under an MOI-directed program to support regional investments with taxes on gambling. As of 2009 however, the two shelters for TIP victims and the rehabilitation center in Tallinn receive funding from the MSA in the amount of 100,000 USD per year.

¶35. (SBU) 28B, cont.: The GOE also operated a children's 24-hour hotline dedicated to the early recognition of child victims and providing assistance for victims of TIP and other crimes targeting minors. Social workers answer the phones and forward calls to psychologists or police when necessary. MSA also supports a hotline operated by the NGO Living for Tomorrow which primarily deals with calls from adults. They received 639 calls during the reporting period primarily dealing with questions about foreign labor contracts. However, they identified six TIP victims among these callers (three cases of sexual exploitation and three cases of forced labor.) The GOE allocated approximately 75 percent of its 242,000 USD anti-trafficking budget to victims' assistance programs.

¶36. (SBU) 28C: The government does provide trafficking victims access to legal, medical and psychological services, primarily through support to the NGOs Eluliin and Atoll. These shelters, as well as law enforcement officials, assist the victims in getting necessary medical treatment. The Estonian Government provides funding for the shelters in the amount of 100,000 USD per year.

¶37. (SBU) 28D: In 2006, the GOE incorporated EU Council Directive 2004/81/EC into national law to make it possible for trafficking victims to obtain a temporary residency permit for the duration of criminal investigations and legal proceedings. The law was enacted in February 2007. No trafficking victim applied for a residency permit during the reporting period.

¶38. (SBU) 28E: The government does provide long-term shelter to victims, as well as psychological/legal/social counseling, and other aid required in rebuilding their lives. Victims can stay at the shelters for as long as they need.

¶39. (SBU) 28F: According to the MSA, the Estonian police have a good relationship with the shelters and the rehabilitation center. Police can transfer TIP victims to the nearest facility whenever assistance is required.

¶40. (SBU) 28G: During the reporting period the NGO Atoll in the course of fieldwork identified 76 past and new trafficking victims. The majority of them were victims of sexual exploitation. The NGO Living for Tomorrow identified another six victims (three cases of sexual exploitation and three cases of forced labor.) All victims received the required assistance from the NGOs.

¶41. (SBU) 28H: The new Estonian victim identification model was implemented in February 2009. The model includes general

identification indicators of trafficking victims and was put together and approved by the members of the National Anti-Trafficking Network. There are separate indicators for victims of forced labor, sexual exploitation, organ trafficking and minor victims as well as contact information for agencies and NGOs providing assistance. The identification model manuals are available at all relevant organizations/ministries and to all relevant officials.

¶42. (SBU) 28I: Post found no evidence that trafficking victims were unlawfully detained, jailed, and/or deported. There were no incidents of trafficking victims or witnesses having their rights to seek damages impeded.

¶43. (SBU) 28J: The government informs the victims of their rights for defense, ways of assistance, various risks, means of obtaining restitution, how the criminal system operates, including consequences of investigation and legal proceedings, length of legal proceedings, witness responsibilities, and enforcement of the court sentence. All of this helps the victims to evaluate their situation and to decide whether they want to assist in the investigation and prosecution of trafficking. During the reporting period no victims assisted in the investigation and prosecution of traffickers.

¶44. (SBU) 28J, cont.: Victims can file civil suits and seek legal action against traffickers. Paragraph 25 of the Constitution of the Republic of Estonia declares that, "Everybody has the right to compensation for moral and material damage caused by the unlawful action of any person." No one impedes victim access to such legal redress.

¶45. (SBU) 28J, cont.: Any victim, who may be a material witness in a court case against a former employer, is permitted to obtain other employment. As the court cases are usually very long, the victims are allowed to leave the country, provided they return for the court hearing.

¶46. (SBU) 28J, cont.: TIP Victims may receive restitution by means of the Estonian Law of Obligations Act. Chapter 52 of the Act covers unjustified enrichment. Paragraph 1027 of the Law says, "A person shall transfer to another person, on the bases of and to the extent provided for in this Chapter, that which is received from the other person without legal basis." Paragraphs 1028, 1036, 1037, 1040, 1041 and 1042 are also used in order to obtain restitution. Chapter 53 covers "unlawful causing of damage" and 1043 of the Act provides compensation for unlawfully caused damage: "A person (tortfeasor) who unlawfully causes damage to another person (victim) shall compensate for the damage if the tortfeasor is culpable of causing the damage or is liable for causing the damage pursuant to law."

¶47. (SBU) 28K: The MSA conducted courses on the new trafficking victim identification model for victim assistance personnel, judges, women's shelter personnel, child protection staff of county governments and representatives of relevant NGOs.

¶48. (SBU) 28K, cont.: The MSA also holds an annual training session for consular officers on recognizing and assisting trafficking victims. The training material is available electronically as well. NGO Eluliin conducted a special training course for Estonian consular officers on assistance to trafficking victims. Estonian consulates and embassies have developed good working relationships with local NGOs and international organizations that serve trafficking victims, and Estonian consular officers are prepared to assist victims by providing the necessary travel documents,

referrals and financial assistance. During the reporting period there were no trafficking victims identified abroad.

¶49. (SBU) 28L: The Government of Estonia provides medical aid, shelter, financial and legal assistance to its nationals who are repatriated as victims of trafficking.

¶50. (SBU) 28M: The following NGOs and international organizations work with trafficking victims:

--Living for Tomorrow (prevention and outreach; trafficking prevention hotline);

--HIV/AIDS Prevention Center (prevention and outreach);

--International Organization for Adolescents (prevention, outreach, and victim assistance);

-- International Organization for Migration (prevention and assistance to victims);

--Human Rights Legal Information Center (prevention and outreach);

--Estonian Women's Studies and Resource Center (ENUT);

--Tartu Child Support Center (prevention and support);

--Atoll (outreach and assistance to prostitutes);

--International Organization for Migration (outreach, prevention, assistance to victims);

--Eluliin / The Vega Center (an integrated support center which also offers assistance to TIP victims.)

Prevention

¶51. (SBU) 29A: The MFA has been active in disseminating informational materials on trafficking and consular services at the Ministry itself, on their webpage and at the Tallinn airport and harbors. For the last three years MFA has been actively disseminating trafficking-related materials at TourEst 2009, the annual tourism fair, which was attended by approximately 23,684 people over three days.

¶52. (SBU) 29A, cont.: At the Tourest 2009 fair, the Estonian Minister of Foreign Affairs Urmas Paet, General Director of the Consular Department Lauri Bambus and Undersecretary on Legal and Consular Affairs Aino Lepik von Wir????n conducted a seminar on consular issues for the attendees of the fair. The MFA also operated a 24-hour hotline for Estonians traveling abroad. Estonian embassies and the MFA offered voluntary registration for Estonian citizens traveling abroad. Over 7,000 Estonians registered with the MFA and Estonian foreign missions prior to their travel abroad in ¶2009.

¶53. (SBU) 29B: The GOE adequately monitored its borders for trafficking. The GOE monitored immigration and emigration patterns for evidence of trafficking unilaterally and in concert with regional border guards and law-enforcement partners.

¶54. (SBU) 29C: In 2006, the GOE founded a national Anti-Trafficking Network that comprises not only representatives of the relevant ministries, but also NGOs. The working group consists of seventy-five representatives from MFA, MOI, MOJ, MSA, Ministry of Education and Research (MOER), Ministry of Finance (MOF), Citizenship and Migration Board (CMB), the Border Guards, Police Board, Central Criminal Police (CCP), INTERPOL and EUROPOL liaison

offices and the Prosecutor's Office and other government and non-government organizations.

¶55. (SBU) 29D: The National Anti-Trafficking Network drafted a National Action Plan to combat trafficking for the period 2006-2009. The MOJ is the lead agency and is responsible for the implementation of the plan and inter-agency coordination. Each year, a thorough review is conducted of the previous years' goals and areas for improvement are identified. The 2009 goals are currently under review at the inter-ministerial level. The representatives of the ministries have stressed that NGO participation in the network is crucial, as they have the best knowledge of the problem and have the closest contacts with trafficking victims. The 2010-2013 National Action Plan is also being reviewed by all relevant ministries and members of the network and will likely be presented to parliament by the end of the first quarter 2010.

¶56. (SBU) 29E: Although there were no special campaigns to reduce the demand for commercial sex acts during the reporting period, the topic was covered at trainings and seminars that the MSA conducted during the year. Training materials that were published earlier were used for that purpose. When consulting with contacts in various ministries about areas of interest for exchange and speaker programs, U.S. efforts to reduce demand for commercial sex acts is a topic in which they have expressed interest.

¶57. (SBU) 29F: There is no evidence of Estonian nationals' participation in international child sex tourism. However, the issue of sexual abuse of minors has become very important and has been under discussion on many instances in Estonian print media. The Estonian Police are planning to create departments of child protection in police prefectures all over the country in order to reveal cases of child abuse and catch pedophiles.

¶58. (SBU) 29F, cont.: The Estonian NGO Child Support Center participated in an international project on international child sex

tourism. As a result a brochure was published and has been disseminated among travel agents and tourist agencies, and students studying tourism, introducing the issue to them and also teaching how to recognize an abused or sexually exploited child and how to assist him/her.

Partnerships

¶59. (SBU) 30A: Estonia is a member of the Council of Baltic Sea States (CBSS) Expert Group for Cooperation on Children at Risk (EGCC). It is a group of senior officials from the ministries responsible for children's issues in the member countries of the CBSS and the European Commission. Other member countries are: Denmark, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia and Sweden. The EGCC priorities for the period through July 2011 are: the protection of children from all forms of sexual exploitation; unaccompanied and trafficked children; children abused by being offered money or other forms of remuneration in exchange for sex; and children and online sexual exploitation.

¶60. (SBU) 30A, cont.: Estonia is also a member of The Task Force against Trafficking in Human Beings (TF-THB) with focus on adults. The joint CBSS TF-THB/UNODC Conference was held on December 7-8, 2009, in Stockholm, Sweden. The Conference presented the findings

of the regional assessment of the joint project with the United Nations Office on Drugs and Crime (UNODC) on fostering NGO and Law Enforcement Cooperation in Preventing and Combating Human Trafficking in, from and to the Baltic Sea Region. An MFA official represented Estonia at the conference.

¶61. (SBU) 30A, cont.: In October 2009, the Government of Estonia approved Estonia joining the Council of Europe's Convention Against Trafficking in Human Beings. Foreign Affairs Minister Urmas Paet said that, "By joining the convention, Estonia is demonstrating its desire to protect people from becoming victims of human trafficking by promoting both domestic and international cooperation." He also noted that, "The fight against human trafficking is necessary, and joining the convention of the Council of Europe will help Estonia contribute to it more effectively."

¶62. (SBU) 30B: As a member of the CBSS Task Force against Trafficking in Human Beings Estonia assisted in organizing a TIP seminar for foreign embassies in Tallinn in April 2009.

¶63. (SBU) 30B, cont.: Estonia currently participates in the ongoing CBSS Project "Assessment on Data Collection Mechanisms on Trafficking in Human Beings". Eleven CBSS member states participate in this project.

¶64. (SBU) 30B, cont.: During the reporting period the Government of Estonia approved a project that would provide financial assistance in the amount of 5,000 USD to the Gali Women's Union of Georgia for the creation of a psycho-social rehabilitation center. The center will provide free consultations to refugees, which among other things, will help prevent them from becoming victims of trafficking. The dates of the project are February 1-July 30, 2010.
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